

AMENDMENTSListing of Claims:

The following listing of claims replaces all previous listings or versions thereof:

1. - 2. (Canceled)

3 ~~2~~ (Previously presented) The method of claim ~~38~~, wherein said tissue sample is a hair follicle.

3 ~~4~~ (Original) The method of claim ~~38~~, wherein said tissue sample comprises buccal mucosa tissue.

4 ~~5~~ (Original) The method of claim ~~38~~, wherein said tissue sample comprises a pap-smear sample.

5 ~~6~~ (Original) The method of claim ~~38~~, wherein said tissue sample comprises bladder-wash cells.

6 ~~7~~ (Original) The method of claim ~~38~~, wherein said tissue sample comprises skin scrapings.

7 ~~8~~ (Previously presented) The method of claim ~~38~~, wherein determining growth factor receptor phosphorylation comprises:

(a) ~~obtaining a sample comprising the growth factor receptor;~~

(b) ~~(a)~~ contacting the ^{samples} ~~sample~~ with an anti-phosphorylated growth factor receptor antibody;

(c) ~~(b)~~ detecting the bound antibody.

8 9. (Original) The method of claim ⁷8, wherein the antibody further comprises a detectable label.

9 10. (Original) The method of claim ⁷8, wherein ^{the bound ant. body is detected with a second ant. body that comprises a detectable label} a second antibody that comprises a detectable label is contacted prior to the detection.

10 11. (Original) The method of claims ⁸9 and ⁹10, wherein the detectable label is selected from a group comprising a fluor, an enzyme, or a radionuclide.

11 12. (Original) The method of claim ⁷8, wherein said detecting comprises immunofluorescence.

12 13. (Original) The method of claim ⁷8, wherein said detecting comprises colorimetric detection.

13 14. (Previously presented) The method of claim ¹38, wherein the patient has cancer of the breast, prostate, colon, pancreas, head and neck, bladder, blood, bone, bone marrow, ~~brain~~, esophagus, gastrointestinal, brain, kidney, liver, lung, nasopharynx, ovary, skin, stomach, or uterus.

15.-37. (Canceled)

38. (Currently amended) A method for determining the effectiveness of a cancer treatment comprising:

- (a) obtaining ~~a non-tumor non-tumor~~ skin, mucosal or hair follicle tissue ~~sample~~ samples by non-invasive procedures from a patient before and after a patient undergoes ~~undergoing the~~ cancer treatment with a chemotherapeutic agent, wherein i) said cancer is growth factor related and ~~expresses a~~ overexpresses an epidermal growth factor receptor, ii) said cancer treatment is directed to said growth factor receptor, and iii) said chemotherapeutic agent is a protein kinase inhibitor that reduces phosphorylation of said growth factor receptor; and

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(b) determining growth factor receptor phosphorylation in said ~~tissue~~tissue; and

(c) comparing the growth factor receptor phosphorylation in the tissue obtained before treatment to the growth factor receptor phosphorylation in the tissue obtained after treatment, wherein a reduction of growth factor receptor phosphorylation in the tissue obtained after treatment as compared to that in the tissue obtained before treatment is indicative of the effectiveness of the cancer treatment.

14 39. (Previously presented) The method of claim 38, wherein said protein kinase inhibitor is a tyrosine kinase inhibitor.

15 40. (Previously presented) The method of claim 39, wherein said chemotherapeutic agent is PKI166.

15 41. (Previously presented) The method of claim 39, wherein said chemotherapeutic agent is the C225 antibody.

42.- 43. (Canceled)

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

2. The Amendment filed March 9, 2006 in response to the Office Action of December 29, 2005 is acknowledged and has been entered. Previously pending claims 15-27 and 42-43 were canceled and claim 38 was amended. Claims 1-14 and 38-41 are currently under prosecution.

3. The application has been amended as follows:

In the specification:

On page 1, after the term "2000", the phrase --now abandoned-- was inserted.

In the claims:

Claims 4-7 were amended as follows, after the term "claim" the number "1" was deleted and the number --38-- was substituted.

Claim 8 was amended as follows after the term "comprises:" section (a) in its entirety was deleted.